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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,162

11/21/2003

Jacob Lahijani

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04/28/2008

E I DU PONT DE NEMOURS AND COMPANY

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EXAMINER

FLETCHER III, WILLIAM P

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

04/28/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,162	<b>Applicant(s)</b> LAHIJANI, JACOB	
	<b>Examiner</b> William P. Fletcher III	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment and remarks filed January 16, 2008, are noted with appreciation.
2. Claims 1-13 remain pending.

### ***Election/Restrictions***

3. Claims 9-13 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 8, 2006.

### ***Response to Arguments***

4. Applicant's arguments, see the remarks, filed January 16, 2008, with respect to the rejection(s) of claim(s) 1-8 under 35 USC 103(a), have been fully considered and are persuasive. Honda does not teach a dry composition but a liquid dispersion. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wu et al. (US 6,624,269 B2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 6,624,269 B2) in view of JP 2904593 B2 (cited by applicant).**

A. Claim 1

i. Wu teaches a rotolining composition [5:39-53] comprising particles of TFE/PEVE copolymer [2:33-63]. The composition is dry and melt-flowable [5:33-53]. The average diameter of the particles ranges from 25 microns to 2 mm [claim 1], which encompasses the claimed range of 100-3000 microns. In the case where a claimed range lies inside a range disclosed by the prior art, a *prima facie* case of obviousness exists [MPEP 2144.05(I)].

ii. Wu does not expressly state that the composition contains an adhesion-promoting, non-bubble-promoting metal powder.

iii. JP '593 teaches the addition of a fine metal powder to a rotolining composition of TFE/perfluoroalkoxyethylene in order to suppress bubbling [0007, for example].

iv. Consequently, it would have been obvious to one skilled in the art to modify Wu so as to include in the composition a metal powder. One skilled in the art would have been motivated to do so by the desire and expectation of suppressing bubbling in the composition during rotolining, yielding a uniform, defect-free film.

v. While neither of these references expressly states that the metal powder also improves adhesion, since Wu and JP '593 teach the same copolymer materials, metal materials, and operating conditions as claimed by Applicant, it is the Examiner's position that the metal powder also inherently functions to improve adhesion as well, absent evidence to the contrary.

B. Claims 2-3

i. JP '593 further teaches that the metal powder is incorporated in an amount from 0.1%-30% [0018, for example], which encompasses the claimed range of 0.2%-5%. In the case where a claimed range lies inside a range disclosed by the prior art, a *prima facie* case of obviousness exists [MPEP 2144.05(I)].

ii. It would have been obvious to one skilled in the art to further modify Wu so as to utilize metal powder in this concentration as such concentrations are disclosed by JP '593 as suitable and functional for suppression of bubbling.

C. Claims 4 & 6

i. JP '593 further teaches that the metal powder may be zinc or copper [0016, for example].

ii. It would have been obvious to one skilled in the art to further modify Wu so as to these metal powders as such are disclosed by JP '593 as suitable and functional for suppression of bubbling.

D. Claim 7 It is the Examiner's position that the coated rotolining composition of Wu reads on the limitations of this claim [Example 6].

E. Claim 8

i. None of the cited references expressly teaches stabilizing the copolymer.

ii. The Examiner takes official notice of the fact that stabilization of polymers is well-known in the art to reduce or eliminate degradation of the polymer.

iii. Consequently, it would have been obvious to one of ordinary skill in the art to modify the composition of Honda so as to stabilize the copolymer for at least this reason.

iv. Notice of this fact was first taken in the Office action mailed August 23, 2006, and has not yet been specifically traversed by Applicant.

**7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu and JP '593 as applied to claim 1 above, and further in view of Winegar et al. (US 4,312,961 A).**

A. Wu and JP '593 are applied herein again as above.

B. Neither of these references teaches that the metal is tin.

C. Winegar teaches that it is known to add tin powder to polymeric fluorocarbon rotolining compositions in order to suppress bubbling [5:9-33].

D. Consequently, it would have been obvious to one skilled in the art to modify Wu in view of JP '593 so as to add, as the metal powder, tin. One skilled in the art would have been motivated to do so by the desire and expectation of suppressing bubbling as taught by Winegar.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Sunday, 5:00 AM - 12:00 PM and Monday through Friday, 5:00 AM - 3:30 PM; on campus every Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/William Phillip Fletcher III/**

Primary Examiner

April 23, 2008